

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S7093–S7144

Measures Introduced: Fifteen bills and two resolutions were introduced, as follows: S. 1795–1809, and S. Res. 310–311. **Page S7127**

Measures Reported:

S. 75, to restore the rule that agreements between manufacturers and retailers, distributors, or wholesalers to set the minimum price below which the manufacturer's product or service cannot be sold violates the Sherman Act.

S. 1487, to authorize the Secretary of Homeland Security, in coordination with the Secretary of State, to establish a program to issue Asia-Pacific Economic Cooperation Business Travel Cards, with an amendment in the nature of a substitute.

S. 1759, to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition. **Page S7126**

Measures Passed:

Uintah Water Conservancy District: Senate passed H.R. 818, to direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Uintah Water Conservancy District. **Page S7142**

Asia-Pacific Economic Cooperation Business Travel Cards Act: Senate passed S. 1487, to authorize the Secretary of Homeland Security, in coordination with the Secretary of State, to establish a program to issue Asia-Pacific Economic Cooperation Business Travel Cards, after agreeing to the committee amendment in the nature of a substitute. **Page S7142**

America's Cup Act: Senate passed S. 1759, to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition, after agreeing to the following amendment proposed thereto: **Pages S7142–43**

Reid (for Feinstein/Toomey) Amendment No. 923, to authorize issuance of certificates of docu-

mentation authorizing certain vessels to engage in coastwise trade in the carriage of natural gas. **Page S7142**

Authorize Printing: Senate agreed to S. Res. 311, to authorize the printing of a collection of the rules of the committees of the Senate. **Page S7143**

Measures Considered:

Rebuild America Jobs Act: Senate continued consideration of the motion to proceed to consideration of S. 1769, to put workers back on the job while rebuilding and modernizing America. **Pages S7095–S7113**

During consideration of this measure today, Senate also took the following action:

By 51 yeas to 49 nays (Vote No. 195), Senate rejected the motion to proceed to consideration of the bill. (Pursuant to the order of Wednesday, November 2, 2011, the motion having failed to achieve 60 affirmative votes, was not agreed to.) **Page S7113**

Long-Term Surface Transportation Extension Act: Senate began consideration of the motion to proceed to consideration of S. 1786, to facilitate job creation by reducing regulatory uncertainty, providing for rational evaluation of regulations, providing flexibilities to States and localities, providing for infrastructure spending. **Pages S7095–S7113**

During consideration of this measure today, Senate also took the following action: By 47 yeas to 53 nays (Vote No. 196), Senate rejected the motion to proceed to consideration of the bill. (Pursuant to the order of Wednesday, November 2, 2011, the motion having failed to achieve 60 affirmative votes, was not agreed to.) **Page S7113**

3% Withholding Repeal and Job Creation Act—Cloture: Senate began consideration of the motion to proceed to consideration of H.R. 674, to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs. **Page S7141**

A motion was entered to close further debate on the motion to proceed to consideration of the bill, and, in accordance with the provisions of Rule XXII

of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of Thursday, November 3, 2011, a vote on cloture will occur at 5:30 p.m., on Monday, November 7, 2011. **Page S7141**

A unanimous-consent-time agreement was reached providing that at 5 p.m., on Monday, November 7, 2011, Senate resume consideration of the motion to proceed to consideration of the bill with 30 minutes of debate, equally divided and controlled between Senators Baucus and Hatch, or their designees.

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House Messages:

Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act: Senate insisted on its amendments to H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, agreed to a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Kohl, Harkin, Feinstein, Johnson (SD), Nelson (NE), Pryor, Brown (OH), Inouye, Murray, Mikulski, Blunt, Cochran, McConnell, Collins, Moran, Hoeven, Hutchison, and Shelby.

Pages S7113–14

Internet and Broadband Industry Practices Regulating—Agreement: A unanimous-consent-time agreement was reached providing that at a time to be determined by the Majority Leader, after consultation with the Republican Leader, the Republican Leader, or his designee, be recognized to move to proceed to consideration of S.J. Res. 6, disapproving the rule submitted by the Federal Communications Commission with respect to regulating the Internet and broadband industry practices; that there be up to four hours of debate on the motion to proceed, with the time equally divided and controlled between the two Leaders, or their designees; that upon the use or yielding back of time, Senate vote on the adoption of the motion to proceed; that if the motion is successful, then the time for debate with respect to the joint resolution be equally divided between the two Leaders, or their designees; that upon the use or yielding back of time, the joint resolution be read a third time and Senate vote on passage of the joint resolution; and that all other provisions of the statute governing consideration of the joint resolution remain in effect. **Page S7141**

Cross-Border Air Pollution—Agreement: A unanimous-consent-time agreement was reached providing that the order with respect to S.J. Res. 6, also apply to S.J. Res. 27, disapproving a rule submitted by the Environmental Protection Agency relating to the mitigation by States of cross-border air pollution

under the Clean Air Act, with the only exception being two hours of debate equally divided between the two Leaders, or their designees, prior to the vote on the motion to proceed. **Page S7141**

Wallach Nomination—Agreement: A unanimous-consent-time agreement was reached providing that at a time to be determined by the Majority Leader, after consultation with the Republican Leader, the Senate begin consideration of the nomination of Evan Jonathan Wallach, of New York, to be United States Circuit Judge for the Federal Circuit; that there be 15 minutes for debate, equally divided in the usual form; that upon the use or yielding back of time, Senate vote, without intervening action or debate, on confirmation of the nomination.

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Nominations Confirmed: Senate confirmed the following nominations:

Richard G. Andrews, of Delaware, to be United States District Judge for the District of Delaware.

Pages S7114–16, S7144

By a unanimous vote of 96 yeas (Vote No. EX. 197), Scott Wesley Skavdahl, of Wyoming, to be United States District Judge for the District of Wyoming.

Pages S7114–16, S7144

Alan B. Krueger, of New Jersey, to be a Member of the Council of Economic Advisers.

Pages S7141, S7144

Messages from the House: **Pages S7124–25**

Measures Referred: **Page S7125**

Measures Placed on the Calendar: **Page S7125**

Measures Read the First Time: **Pages S7125, S7143**

Enrolled Bills Presented: **Page S7125**

Executive Communications: **Pages S7125–26**

Executive Reports of Committees: **Pages S7126–27**

Additional Cosponsors: **Pages S7127–28**

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Notices of Intent: **Page S7140**

Notices of Hearings/Meetings: **Page S7140**

Authorities for Committees to Meet: **Page S7141**

Record Votes: Three record votes were taken today. (Total—197) **Pages S7113, S7115–16**

Adjournment: Senate convened at 10 a.m. and adjourned at 6:43 p.m., until 2 p.m. on Monday, November 7, 2011. (For Senate's program, see the remarks of the Majority Leader in today's RECORD on page S7143.)

Committee Meetings

(Committees not listed did not meet)

CONSUMER FINANCIAL MARKETPLACE

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine empowering and protecting servicemembers, their families and veterans in the consumer financial marketplace, after receiving testimony from Hollister K. Petraeus, Assistant Director, Office of Servicemember Affairs, Consumer Financial Protection Bureau; Bonnie Spain, Rushmore Consumer Credit Resource Center, Rapid City, South Dakota; Admiral Steve Abbot, USN (Ret.), Navy-Marine Corps Relief Society, and Frank Pollack, Pentagon Federal Credit Union, both of Washington, D.C.; and Kevin Bergner, United Services Automobile Association, San Antonio, Texas.

SPECULATION AND COMPLIANCE WITH THE DODD-FRANK ACT

Committee on Homeland Security and Governmental Affairs: Permanent Subcommittee on Investigations concluded a hearing to examine speculation and compliance with the “Dodd-Frank Act”, after receiv-

ing testimony from Gary Gensler, Chairman, Commodity Futures Trading Commission; and Paul N. Cicio, Industrial Energy Consumers of America (IECA), Tyson Slocum, Public Citizen, and Wallace C. Turbeville, Better Markets, Inc., all of Washington, DC.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

S. 75, to restore the rule that agreements between manufacturers and retailers, distributors, or wholesalers to set the minimum price below which the manufacturer's product or service cannot be sold violates the Sherman Act; and

The nominations of Stephanie Dawn Thacker, of West Virginia, to be United States Circuit Judge for the Fourth Circuit, Michael Walter Fitzgerald, to be United States District Judge for the Central District of California, Ronnie Abrams, to be United States District Judge for the Southern District of New York, Rudolph Contreras, of Virginia, to be United States District Judge for the District of Columbia, and Miranda Du, to be United States District Judge for the District of Nevada.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 32 public bills, H.R. 3332–3363; and 7 resolutions, H.J. Res. 83; H. Con. Res. 84–85; and H. Res. 454–457 were introduced.

Pages H7329–32

Additional Cosponsors:

Pages H7332–33

Reports Filed: Reports were filed today as follows:

H.R. 2840, to amend the Federal Water Pollution Control Act to regulate discharges from commercial vessels, and for other purposes, with an amendment (H. Rept. 112–266) and

H. Res. 455, providing for consideration of the bill (H.R. 2838) to authorize appropriations for the Coast Guard for fiscal years 2012 through 2015, and for other purposes (H. Rept. 112–267). **Page H7329**

Speaker: Read a letter from the Speaker wherein he appointed Representative Fitzpatrick to act as Speaker pro tempore for today. **Page H7259**

Recess: The House recessed at 11:31 a.m. and reconvened at 12 noon. **Page H7268**

Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2012: The House disagreed to the amendments of the Senate to H.R. 2112, making consolidated appropriations for the Departments of Agriculture, Commerce, Justice, Transportation, and Housing and Urban Development, and related programs for the fiscal year ending September 30, 2012, and requested a conference with the Senate.

Pages H7374–79, H7288–89

Agreed to the Dicks motion to instruct conferees on the bill by a yea-and-nay vote of 265 yeas to 160 nays, Roll No. 822. **Pages H7374–79, H7288–89**

The Chair appointed the following conferees: Representatives Rogers (KY), Young (FL), Lewis (CA), Wolf, Kingston, Latham, Aderholt, Emerson, Culberson, Carter, Bonner, LaTourette, Dicks, DeLauro, Olver, Pastor, Price (NC), Farr, Fattah, and Schiff. **Page H7289**

Access to Capital for Job Creators Act: The House passed H.R. 2940, to direct the Securities and Exchange Commission to eliminate the prohibition against general solicitation as a requirement for a